

To: Deamer, Eileen[deamer.eileen@epa.gov]
From: Nathan Frank
Sent: Fri 2/13/2015 10:06:21 PM
Subject: Re: Sen. Baldwin: question re fly ash

Yeah, no ORC is necessary. Thanks!

Nathan A. Frank, P.E.

Chief, Air Enforcement and Compliance Assurance Section (IL/IN)

U.S. EPA, Region 5

77 W. Jackson Blvd. (AE-17J)

Chicago, IL 60604

Phone: (312) 886-3850

Fax: (312) 692-2409

Email: frank.nathan@epa.gov

On Feb 13, 2015, at 2:13 PM, Deamer, Eileen <deamer.eileen@epa.gov> wrote:

We don't need ORC review of this answer, correct?

If not, I'm ready to send it. I'm happy to bcc, you if you like.

Eileen

From: Frank, Nathan
Sent: Thursday, February 12, 2015 3:49 PM
To: Deamer, Eileen

Cc: Wilson, Jennifer

Subject: FW: Sen. Baldwin: question re fly ash

Eileen,

This is what we propose to send to Mr. Helbick. Thanks!!!

beginning of message

Mr. Helbick,

To answer your question below, the transport of fly ash (and coal) through residential areas is not prohibited under federal environmental regulations. However, there is a Wisconsin state regulation that requires transporters or handlers of any material (including fly ash and coal) to take steps to control fugitive dust. While this is a state rule, it is federally enforceable because it has been incorporated into Wisconsin's State Implementation Plan under the Clean Air Act.

With regards to WE Energies plant in Oak Creek, Wisconsin, we have been in communication with residents near the facility who have complained about fugitive dust from rail cars transporting coal and/or fly ash since the beginning of last summer. In response to these complaints, air inspectors from our office have visited the area three times. During each unannounced visit, the inspectors performed offsite observations of the WE Energies facility and nearby railways for multiple hours. Our inspectors did not observe fugitive dust leaving the trains in any of their visits. Our office continues to communicate with residents of the area and monitor the situation.

If you would like to discuss this matter further, we'd be willing to set up a call with you to answer any additional questions.

Thanks!

end of message

From: Wilson, Jennifer
Sent: Thursday, February 12, 2015 3:39 PM
To: Frank, Nathan
Subject: RE: Sen. Baldwin: question re fly ash

Hi Nathan,

I think this sounds good. Thank you for writing it.

Jenny

From: Frank, Nathan
Sent: Thursday, February 12, 2015 3:21 PM
To: Wilson, Jennifer
Subject: FW: Sen. Baldwin: question re fly ash

Jenny, this is what I propose to send:

beginning of message

Mr. Helbick,

To answer your question below, the transport of fly ash (and coal) through residential areas is not prohibited under federal environmental regulations. However, there is a Wisconsin state regulation that requires transporters or handlers of any material (including fly ash and coal) to take steps to control fugitive dust. While this is a state rule, it is federally enforceable because it has been incorporated into Wisconsin's State Implementation Plan under the Clean Air Act.

With regards to WE Energies plant in Oak Creek, Wisconsin, we have been in communication with residents near the facility who have complained about fugitive dust from rail cars transporting coal and/or fly ash since the beginning of last summer. In response to these complaints, air inspectors from our office have visited the area three times. During each unannounced visit, the inspectors performed offsite observations of the WE Energies facility and nearby railways for multiple hours. Our inspectors did not observe fugitive dust leaving the trains in any of their visits. Our office continues to communicate with residents of the area and monitor the situation.

If you would like to discuss this matter further, we'd be willing to set up a call with you to answer any additional questions.

Thanks!

end of message

From: Breneman, Sara
Sent: Tuesday, February 10, 2015 11:13 AM
To: Frank, Nathan
Cc: Wilson, Jennifer
Subject: FW: Sen. Baldwin: question re fly ash

Please work with Jenny on an answer.

From: Deamer, Eileen
Sent: Tuesday, February 10, 2015 11:09 AM
To: Wilson, Jennifer
Cc: Breneman, Sara; Beckmann, Ronna Erin
Subject: FW: Sen. Baldwin: question re fly ash

Sen. Baldwin's staff looking for an update if we can provide one...thoughts? E

From: Helbick, Mike (Baldwin) [mailto:Mike_Helbick@baldwin.senate.gov]
Sent: Tuesday, February 10, 2015 10:56 AM
To: Deamer, Eileen
Subject: FW: Sen. Baldwin: question re fly ash

Eileen,

Hope you are well! Just wanted to follow up on the below. I know right after we had spoken about this, fly ash was all over the news. Is there an update on this one?

Thanks,

Mike

Mike Helbick

Office of U.S. Senator Tammy Baldwin

633 W. Wisconsin Avenue | Suite 1920

Milwaukee, Wisconsin 53203

Mike_Helbick@baldwin.senate.gov

(414) 297-4451 main | (800) 247-5645 toll free

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From: Helbick, Mike (Baldwin)
Sent: Thursday, December 04, 2014 12:38 PM
To: 'Deamer, Eileen'
Subject: RE: Sen. Baldwin: question re fly ash

Eileen,

Thanks for calling and for the email.

Basically, the concern is just that the constituent believes WE Energies is transporting fly ash through residential areas and believes this may be some kind of federal violation. I'm not able to point to specific regulations that this could potentially be violating, as I lack that expertise. Thus, I'm just forwarding her concern, in general, and assuming that the movement of fly ash either is or is not regulated, and if it is, if what I'm describing could potentially violate any of those regulations, we would want to know.

Sorry to be so vague, but please let me know if you need anything more.

Best,

Mike

Mike Helbick

Office of U.S. Senator Tammy Baldwin

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Milwaukee, Wisconsin 53203

Mike_Helbick@baldwin.senate.gov

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From: Deamer, Eileen [<mailto:deamer.eileen@epa.gov>]

Sent: Wednesday, December 03, 2014 9:37 AM

To: Helbick, Mike (Baldwin)

Subject: RE: Sen. Baldwin: question re fly ash

Hi Mike – So apparently this isn't an easy answer. There are many regulations that apply to utilities under the CAA – MACT, NSPS, PSD/NSR, SIP, etc.

Can you be a bit more specific in which regulation you are interested in as it applies to fly ash?

Thanks,

Eileen

From: Helbick, Mike (Baldwin) [mailto:Mike_Helbick@baldwin.senate.gov]

Sent: Tuesday, November 11, 2014 9:42 AM

To: Deamer, Eileen

Subject: Sen. Baldwin: question re fly ash

Eileen,

I hope you are well.

I have rec'd a question regarding fly ash. A constituent is concerned that WE Energies is moving fly ash through neighborhoods and believes this may violate some type of regulation.

Could you please provide any information on behalf of the EPA regarding what may be regulated or not regulated regarding fly ash?

Thank you,

Mike

Mike Helbick

Office of U.S. Senator Tammy Baldwin

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Milwaukee, Wisconsin 53203

Mike_Helbick@baldwin.senate.gov

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